

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 In re FRANCISCO P. CASTILLO JR., No. C 10-04227 CW (PR)

4 ORDER OF DISMISSAL

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7 \_\_\_\_\_/  
8 This action was opened in error when the Court received  
9 exhibits from Petitioner that were intended to be filed in a  
10 previously-filed action -- Case No. C 10-4149 CW (PR).

11 Petitioner currently has two separate habeas actions pending,  
12 although he meant to file only one action. Accordingly, the Clerk  
13 is directed to remove Petitioner's exhibits (docket nos. 1, 2) from  
14 this action. The Clerk is then directed to file them in his  
15 previously-filed action, Case No. C 10-4149 CW (PR). The Clerk is  
16 further directed to mark them as filed on September 17, 2010, the  
17 date they were received by the Court. The Court will review his  
18 petition filed in Case No. C 10-4149 CW (PR) in a separate written  
19 Order.

20 The present action is DISMISSED because it was opened in  
21 error. No filing fee is due. The Clerk shall close the file.

22 IT IS SO ORDERED.

23 Dated: 10/19/2010



24 CLAUDIA WILKEN  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FRANCISCO P CASTLLO JR,

Case Number: CV10-04227 CW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

IN RE: FRANCISCO P CASTLLO JR et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 19, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Francisco P. Castillo C-85768  
Correctional Training Facility  
CW329L  
P.O. Box 689  
Soledad, CA 93960

Dated: October 19, 2010

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California